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SUBJECT: "POLITICAL" PRISONERS RELEASED IN ANTANANARIVO

¶1. (SBU) SUMMARY: High Transitional Authority (HAT) President Andry Rajoelina has released 48 "political prisoners" from Madagascar's jails. Most were politicians or military leaders imprisoned under former President Ravalomanana, although in many cases the charges were legitimate even if they were singled out for punishment due to their political affiliations. The HAT has not yet granted pardons to all 48 (to date, only 32 have been actually pardoned; the rest remain under house arrest), given the controversy over individuals such as Colonel Coutiti, who was imprisoned for torture and killings in both 1991 and 2002. Post expects the HAT to pronounce on the remaining 16 prisoners shortly, although those already pardoned are pushing for an "amnesty" instead, which would allow them to participate in politics. END SUMMARY.

¶2. (SBU) During his March 21 "installation" address, Rajoelina announced plans to pardon political prisoners; that same evening, 48 prisoners were taken from Tsiafahy, Antanimora and Toamasina prisons and moved into house arrest at a hotel/restaurant in a suburb of Antananarivo. On March 26, HAT Minister of Justice announced a first group of 28 prisoners who benefited from the presidential pardon. The "most feared and controversial" prisoner - Lieutenant Colonel Assolant Coutiti - did not make the cut, and his legal status to date remains unclear. Prospects for his liberty becoming legal are a matter of grave concern to many here. A second group of four was announced on April 1, but the MOJ has yet to pronounce on the final 16. Seven of the remaining political detainees (including Coutiti) have been transferred to their "hometown", in the northern city of Antsiranana, but remain under house arrest.

¶3. (SBU) Most of the released "political prisoners" and the exiled politicians are requesting an amnesty instead of the presidential pardon. In their view, "national reconciliation" will only be effective through an amnesty, which would restore all civil rights and pave the way for their participation in future elections. Their current pardons serve only to end their prison sentences, without fully restoring their civil rights. Potential presidential candidates who could benefit most from an amnesty include Pety Rakotoniaina (candidate in 2006, currently interim mayor of Fianarantsoa), Jean Eughe Voinahitsy (candidate in 2002), and exiled Pierrot Rajaonarivelo (former prime minister and presidential candidate). On the military side, an amnesty would allow Lt. Col. Coutiti, Lt. Col. Rahitso and Lt. Col. Balbine to reintegrate with their original regiments.

¶4. (SBU) At the announcement of the first list of 28 to be released, the prisoners strongly denounced the HAT's allegedly "discriminatory" decision, and resolved to stay with their fellows inmates out of solidarity. The following day, they changed their minds, and took release instead. During a press conference held immediately after their actual release, they announced their allegiance to Rajoelina and their plan to hold a rally on Democracy Square at the same time as TIM supporters, taking advantage of their official authorization to hold a rally. The first rally held on March 31 ended with three injuries, following a confrontation with TIM supporters. Rakotoniaina and Voinahitsy announced during the rally that they would bid farewell to former President Ravalomanana, and that they have already booked a room for him in the Tsiafahy prison. They also "warned" Ravalomanana supporters that if these

latter continue to have their rallies, they "will take care of them", although they have not to date acted on this threat.

¶5. (U) The 32 prisoners who have benefited from the "presidential pardon" are:

- Lt. Col. Jean Victor Rahitso
- Lt. Col. Hubert Maurice Balbine
- Jean Paul
- Fulgence Jocelyn
- Marson Lemiasa
- Andrianafidisoa, a.k.a. "Gen. Fidy"
- Jean Eugene Voninahitsy
- Laurent Boto
- Jean Baptiste Behavana
- Alfred Rakotomaharonirina
- Leon Ramanantsalama
- Lalaina Andrianjatovo
- Pety Rakotoniaina
- Jean Wilson Andriantsoa Ralaikoa
- Christian Anthony Herinirina
- Emmanuel Razafindrazaka, a.k.a. "Bolo"
- Etienne Rasolofotianasoa
- Jean Fidele Marie Razafindraibe
- Hajason Jacky Ratsimandresy
- Solo Kajaly
- Robson Zafy Fihaora
- Maurice Dilimizony
- Daniel Rajaonarivelo
- Thodile Appolinaire Ravoavy
- Boniface Zakahely
- Andre Nathan Mamaso
- Georges Felix Solonirina Ravitalahy
- Henri Rakotomalala
- Lt.Col. Kasimo Arona Besoa
- Lt.Col. Felicien Randrianantenaina
- Lt.Col. Jean Rambelason
- Lt. Mpanjato Randriamamonjy

HIGH PROFILE PRISONERS, POLITICAL AND OTHERWISE

¶6. (SBU) Lt. Col. Assolant Coutiti graduated from the 12th class of the Military Academy, and was a security advisor to 2002 Antsiranana Governor Jean-Robert GARA. Following the 1991-1993 crisis and transition he was accused of several violent crimes and imprisoned during the Zafy Administration (1993-1996). After the comeback of Didier Ratsiraka 1996, he was pardoned and even promoted to Lieutenant-Colonel, and was detailed to the Antsiranana Intervention Force Regiment. An international arrest warrant was issued against him in April 2002 for "murders and criminal association". He is accused of having assassinated the local manager of a bank in Nosy Be, who was also a local campaign leader for then-candidate Ravalomanana. He is also known for having perpetrated violence, tortures and killings against Ravalomanana's supporters, and for some cases, on Merina (highlanders) in the Northern part of the country in 2002. He received two life sentences, in addition to tens of years of imprisonment. He has not yet been pardoned, and even his move from the Tsiafahy prison to the house arrest was controversial. It is believed that foot-dragging on the remaining group to be pardoned is due to Coutiti. On April 4, during Andry Rajoelina's visit to the northern city of Antsiranana, Coutiti was transferred to house arrest in his "home town".

¶7. (SBU) Lt. Col. Rahitso and Balbine are both close to Coutiti but have already been pardoned. They did not receive the same sentence as Coutiti, but are known for having perpetrated similar acts of violence, probably at a lower scale, and also in the northern region. They are widely believed to have worked together with Coutiti. As they have already been released, they are feared to be the "hands" of Lt. Col. Coutiti, who remains under house arrest, for possible revenge.

¶8. (SBU) Pety Rakotoniaina was a presidential candidate in 2006, and former Mayor of Fianarantsoa. He was sent to jail - while he was Mayor - for misuse of government vehicles during an electoral campaign. During Andry Rajoelina's visit to Fianarantsoa, he was appointed President of the Special Delegation of Fianarantsoa (PDS)

- the equivalent of an interim mayor. The reasoning was that "he was an elected mayor when he was sent to jail for political reasons." Several days before his "installation" as PDS, Rakotoniaina's wife was appointed as a member of the High Transition Authority (HAT). (NOTE: Post singled out Rakotoniaina in the 2008 Human Rights Report for possible recognition as a political prisoner, due to his possibly unjustified implication in a 2006 coup attempt, and extraordinarily long sentence of 14 years. END NOTE)

¶9. (SBU) Jean Eugene Voninahitsy is a former Deputy in the National Assembly. Already imprisoned by the Ratsiraka administration in 2001 and amnestied by the Ravalomanana regime in 2002, Mr. Voninahitsy became a virulent opponent to President Ravalomanana. In 2005, he was sentenced to a two-year imprisonment for influence peddling. In 2006, he was accused of complicity in a prison break case in Antanimora, and was sentenced to four additional years. He still enjoys some popularity in the western region of Melaky.

¶10. (SBU) Zakahely Boniface is a former Deputy, elected in the north-eastern city of Mananara Avaratra, and was a strong opponent of Ravalomanana. For alleged crimes in 2002, he had eleven charges, including attacks on state security and public order, and burglary. Charged with inflicting grievous bodily harm, he was also sentenced to 30 months of imprisonment in 2007, and was kept in the Toamasina prison until his "release" following the presidential pardon. He is believed to still have extensive support and influence in the former province of Toamasina.

¶11. (SBU) Gen. "Fidy" Andrianafidisoa was accused of "treason and attempted coup" in November 2006, following his exclusion as a candidate in the 2006 presidential elections. He was eventually sentenced to seven years in prison. Fidy was instrumental in Ravalomanana's rise to power in 2002, and is known for his ties with Pety Rakotoiaina in Fianarantsoa.

¶12. (SBU) Gen. "Bolo" Emmanuel Razafindrazaka was "Commissaire de Police" and General Controller of the National Police. He was accused of masterminding a plot against the President. He was charged with "offences against national security and arms robbery at a military camp." Media reports noted that "in October 2007, a group of military officers installed heavy weapons such as rockets launcher by Ivato landing runway. Lacking proof to the contrary, they planned to shoot at the presidential plane from Brussels which was about to land in Ivato. Alerted on time, Air Force One's crew rerouted to Mahajanga and had President Ravalomanana land there."

¶13. (SBU) COMMENT: Many of these figures were imprisoned for valid crimes, even if they may have been selectively pursued among equally guilty contemporaries. However, the release of Coutiti, Rahitso and Balbine in particular has received extensive media attention, and brings the HAT's commitment to judicial independence and rule of law into question. The Ambassador is pushing a declaration by the local diplomatic corps expressing concern about the unjustified release of notorious criminals; if there is no agreement to do so, post will release a unilateral statement to the same effect. END COMMENT.

MARQUARDT